

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL W.P.NO.463 OF 2005

Pratap Bulakidas Patel
and Anrs. ..Petitioners

Vs.

The State of Maharashtra
& Ors. ..Respondents

...
Nitin R.Gandhi Advocate for Petitioners
V.B.Konde-Deshmukh A.P.P. for the State
Respondent nos.2 and 3 are present in person
...

CORAM: SMT.V.K.TAHILRAMANI, J.

DATE : OCTOBER 24, 2005

P.C.

1. Heard the learned advocate for the petitioners,
respondent nos.2 and 3 who are present in person
and the learned A.P.P. for the State.

2. The petitioners are seeking quashing of process
issued by the learned Spl.Metropolitan Magistrate,
22nd Court, Andheri at Mumbai in Case

Nos.19/S/2002. In the said cases process was issued against the petitioners under Sections 324,500, 506, 120-B and other Sections of IPC.

3. For the reasons recorded in the decision of this Court in the case of **V.K.Jain and others Vs. Pratap V. Padode** reported in 2005(3) Mh.L.J.778, I am of the opinion that the petitioners have an efficacious remedy of preferring revision against the order of Magistrate issuing process. Hence, in my view, it would be appropriate that the petitioners prefer a revision before the concerned Sessions Court against the order of the Magistrate issuing process.

4. Liberty is granted to the petitioners to prefer the necessary revision before the concerned Sessions Court. The learned advocate for the petitioners makes a statement that the necessary revision will be preferred within five weeks from today.

. The respondent nos.2 and 3 fairly state that they will argue the revision only on merits.

5. On the necessary revision being preferred by the petitioners before the concerned Sessions Court, the concerned Sessions Court shall dispose of the matter on merits after hearing the necessary parties.

6. Writ Petition is disposed of.

[V.K.TAHILRAMANI, J.]